

Declaratory  
~~Improvement~~ Res. No. 886-1954

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Which provides for the vacation  
of the alley between Lewis Street  
and Douglas Avenue from the east  
property line of Barr Street to  
the east property line of Lot No.  
4, Hamilton's 1st Addition.

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Resolution Adopted:

June 22, 1954

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Confirmed:

July 29, 1954

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Bids Received:

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Contract Awarded:

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Contract and Bond:

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Contractor:

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Reported Completed:

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Assessment Roll Confirmed:

Oct. 21, 1954

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For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of the alley between Lewis Street and Douglas Avenue from the east property line of Barr Street to the east property line of Lot No. 4, Hamilton's 1st Addition.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the alley between Lewis Street and Douglas Avenue from the east property line of Barr Street to the east property line of Lot No. 4, Hamilton's 1st Addition.

All as shown by a plan of such proposed ~~Opening~~ Vacation ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lots 1 to 4 inclusive, Hamilton's 1st Addition and Lots 13 to 16 inclusive, Hamilton's 1st Addition. Said Addition inclusive to the City of Fort Wayne, Indiana.

~~All lots and lands~~

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by <sup>SAID</sup> above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplement<sup>S</sup> thereof.

The vacation of the above described ~~Street and alley~~ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the northeast quarter of Section Eleven, Township 30 north, Range 12 east, and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 22nd DAY OF June, 1954

Attest: J. H. Hallett  
Secretary Board of Public Works.

Frank R. Ross  
Chairman  
Board of Public Works.

City of Fort Wayne  
Indiana



LEGAL DEPARTMENT  
PAUL W. PHILIPS  
WILLIAM F. McNAGNY  
THOMAS A. GALLMEYER

417 Standard Bldg.

June 14, 1954

Board of Public Works  
City Hall  
Fort Wayne, Indiana

Gentlemen:

You will recall that some time ago, at a conference with the undersigned and Mr. Aaron T. Lindley, Superintendent of Schools, it was agreed that the Civil City would, through the Board of Public Works, undertake to vacate and close the west half of the existing alley running from Lafayette Street to Barr Street and lying south of Lewis Street and north of Douglas Street, in consideration of the conveyance and dedication by the School City of a new alley on the west 14 feet of Lot 5 in Allen Hamilton's First Addition, together with sufficient turning space to connect up the new alley with the remainder, or east half, of the existing east-west alley.

I believe you will have by now, or will shortly receive, a letter from the Superintendent of Schools advising you that the School City has now acquired ownership of all of the lots involved.

Accordingly, I enclose herewith a form of Declaratory Resolution which you may use in instituting the vacation proceedings under the provisions of Burns 48-2001.

I enclose herewith, also, a copy of the form of Grant of Alley Right-of-Way and of the Resolution which the Board of Trustees of the School City will adopt at its next regular meeting, determining to execute and deliver such grant to you concurrently with the effective date of the vacation and closing of the existing alley.

It is requested that your Declaratory Resolution instituting the vacation proceedings be included in the agenda of your next regular meeting.

Sincerely,

*Paul W. Philips*  
Paul W. Philips  
CITY ATTORNEY

PWP/bll  
Enclosures



DECLARATORY RESOLUTION NO. \_\_\_\_\_

For the vacation of the west half of the east-west alley running from Lafayette Street to Barr Street and lying south of Lewis Street and north of Douglas Street.

WHEREAS, The School City of Fort Wayne has acquired title to Lots 1, 2, 3, 4, 13, 14, 15 and 16 in Allen Hamilton's First Addition and has further acquired title to Lot No. 5 and the west forty-four and three quarters (44-3/4) feet of Lot No. 6 in said Addition, and intends to use said Lots 1, 2, 3, 4, 13, 14, 15 and 16 for an athletic field in connection with Central High School, which high school is located immediately to the west and across Barr Street from said lots; and

WHEREAS, there presently exists an alley fourteen (14) feet in width lying south of said Lots 1, 2, 3 and 4 and north of said Lots 13, 14, 15 and 16; and

WHEREAS, The School City of Fort Wayne, Indiana has requested that said alley be vacated and has offered to, simultaneously with the vacation of said alley, dedicate to the Civil City the west fourteen (14) feet of said Lot No. 5, together with sufficient additional portion of the south end of said Lot No. 5 to provide an adequate turning radius from such alley to the existing east-west alley lying south of Lots 5, 6, 7 and 8 and north of Lots 9, 10, 11 and 12 in Hamilton's First Addition; and

WHEREAS, this Board finds that said existing alley lying south of said Lots 1, 2, 3 and 4 and north of said Lots 13, 14, 15 and 16, in view of the dedication of a new alley on the west fourteen (14) feet of said Lot No. 5, is no longer necessary to the growth of the City and will not leave any real estate without means of ingress or egress to the rear thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE, INDIANA:

That the following described alley located in the City of Fort Wayne, Indiana, be and the same is vacated and closed, to-wit:

The west half of the east-west alley running from Lafayette Street to Barr Street and lying south of Lewis Street and north of Douglas Street, which alley is located contiguous to and immediately south of Lots 1, 2, 3 and 4, and contiguous to and immediately north of Lots 13, 14, 15 and 16 in ~~Allen~~ Hamilton's First Addition.

The property which will be injuriously or beneficially affected is all of the lots located in the block bounded by Lewis Street, Lafayette Street, Douglas Street and Barr Street, to-wit, Lots numbered 1 through 16 in Allen Hamilton's First Addition.

RESOLVED FURTHER, that \_\_\_\_\_, \_\_\_\_\_, 1954 at \_\_\_\_\_ o'clock \_\_.M. (C.S.T.) at the office of this Board in the City Hall, Fort Wayne, Indiana, be and the same is hereby set as the date, time and place at which this Board will receive or hear remonstrances from persons interested in or affected by these proceedings and after which this Board, having considered such remonstrances, if any, will take final action to confirm, modify or rescind this resolution; and that notice thereof shall be published once each week for two (2) consecutive weeks in the Fort Wayne News-Sentinel and the Fort Wayne Journal-Gazette.

On motion by \_\_\_\_\_, seconded by \_\_\_\_\_ and unanimously carried, the above and foregoing Declaratory Resolution was duly adopted.

# P E T I T I O N

Fort Wayne, Ind.,

**To the Board of Public Works of the City of Fort Wayne:**

Gentlemen:

The undersigned, owners of real

estate on \_\_\_\_\_, from

to

respectfully petition for the passage of a resolution providing for the

Vacation

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**Petition for Passage**

of a Resolution for

the vacation of the west  
half of the east-west alley  
running from Lafayette Street  
to Barr Street and lying  
south of Lewis Street and  
north of Douglas Street,  
which alley is located  
contiguous to and immediately  
south of Lots 1, 2, 3 and 4  
~~from~~ and contiguous to and  
immediately north of Lots 13,  
14, 15 and 16 in Hamilton's  
to First Addition.

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Filed with the Board of Public Works

Plans Ordered: June 15, 1954.

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